

SENATE BILL 185
By McLeary

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 5, relative to judicial review of contested
cases under the Uniform Administrative
Procedures Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-5-322, is amended by adding the following language to the end of subsection (i):

When reviewing the decisions of the Tennessee regulatory authority as to whether or not a contested case should be convened, the court shall defer to the judgment of the agency, unless the agency disregarded all arguments presented or acted in a manner clearly conflicting with federal law governing telecommunications. In such cases, if the court finds that the Tennessee regulatory authority failed to convene a contested case when it was required to do so by federal law, the court shall remand the case to the Tennessee regulatory authority to permit the authority to determine whether the case is now moot.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.